



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,236	02/18/2000	John G. Ellis	081862.P163	9691
7590	04/29/2005			EXAMINER MEHRA, INDER P
John P. Ward Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1026			ART UNIT 2666	PAPER NUMBER
			DATE MAILED: 04/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/507,236	ELLIS, JOHN G.
	Examiner Inder P Mehra	Art Unit 2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3 and 5-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 October 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to an amendment dated 11/29/04 which has been fully considered and made of record. Based on this amendment, claims 1, 3, 5-14 are now pending. Claims 2 and 4 have been cancelled. Based on this amendment, claims 1, 3, 5, 7, 9-11 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brueckheimer et al ('261)**, in view of **Gibbs et al** (US Patent No. 6,683,877), hereinafter, Gibbs.

For claims 1, 3, 5-6 and 11, Brueckheimer ('261) discloses, in reference to fig. 1, a method Comprising:

- dynamically (col. 2 line 53-60), establishing ATM adaptation layer 2 (AAL-2) channel identifiers (CIDs), col. 2 lines 40-60, on a call-by-call basis, col. 5 line 67 through col. 6 line 10, refer to abstract, col. 1 line 4-6, col. 1 line 44, col. 2 lines 40-60, col. 3 lines 25-26, using ATM standards-based call control, col. 1 lines 53-55, signaling protocol (col. 5 line 65-col. 6 line 9);

- multiplexing voice information from one channel of a customer premise equipment into a plurality of AAL 2 packets at network edge device, refer to col. 2 lines 36-60, having a common CID of the AAL 2 CIDs.

Brueckheimer ('261) does not disclose expressly the following limitation, which is disclosed by Gibbs, as follows:

- * "executing a call set-up process in the AAL2 signaling layer, refer to col. 5 lines 45-59, col. 5 lines 29-42, and col. 7 lines 14-15, comprising mapping the common CID to virtual path /virtual channel (VP/VC), refer to col. 6 lines 40-45, col. 7 lines 3-7, that forms part of a virtual user network interface (UNI) to an ATM network, refer to col. 7 lines 53-55, and col. 7 lines 42-46, ."
- wherein the standards based ATM call control protocol is selected from the list comprising UNI 3.1/4.0 and Q.2931", refer to col. 7 lines 42-46.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of mapping CID with VPI/VCI forming part of user network interface UNI to an ATM network. The mapping of channel identifier (CID) to VPI/VCI can be implemented by combining the system as taught by Gibbs with Breuckheimer et al ('261) at the user network interface (UNI) to an ATM network. The suggestion/motivation to do so would have been to match the traffic types and quality of service requirements.

For claims 7-10, and 12-14, Breuckheimer et al ('261) discloses the following limitations of the subject matter:

- multiplexing the time division multiplexed communication channel to multiple AAL2 VPs/VCs, *as recited by claims 9 and 13*, refer to col. 2 lines 42-49.
- mapping the multiple AAL2 VPs/VCs to the CIDs prior to mapping the CIDs to the VP/VC, *as recited by claims 10 and 14*, refer to col. 2 lines 52-55 and col. 10 lines 19-21.
- Computer readable instructions are embodied in a computer readable medium, *as recited by claim 12*, refer to col. 13 lines 1-13.

Gibbs discloses the following limitation:

- wherein the mapping is performed at a network edge device(gateway, fig. 1) communicatively coupled to the customer premises equipment, *as recited by claims 7 and 8* (end point, fig. 1)", refer to col. 6 lines 40-45.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capabilities of mapping and multiplexing to be performed at the edge device coupled to the CPE. The mapping and multiplexing of channel identifier (CID) to VPI/VCI can be implemented by combining the system as taught by Gibbs with Breuckheimer et al ('261) at the end point, as taught by Gibbs. The suggestion/motivation to do so would have been to match the traffic types and quality of service requirements.

Response to Arguments

4. Applicant's arguments filed 11/29/04 regarding claims 1, 3, 5-14 have been fully considered but they are not persuasive.

Applicant argues “It is Applicant's belief that the method of claim 1 in which AAL2 channel identifiers are established dynamically on a call-by-call basis, using ATM standards-based call control signaling protocols, is different than the state of the art at the time of the invention which provided only static provisioning of AAL2 connections. Also, neither Brueckheimer '261 or Gibbs teaches or suggests the establishment of channel identifiers on a call-by-call basis, namely the use of a call control protocol to dynamically establish AAL2 calls.

In response, it is stated that Brueckheimer '261 discloses “The VC in this case can be deemed a variable rate pipe as connections within the pipe can be resized *dynamically*, started and ended whilst the VC is continually active. The connections in this VC are mini-packet connections where each circuit is *identified* uniquely by the combination of the circuit *identifier* (CID) and the VC number which carries that CID mini-packet, refer to col. 2 lines 48-55.

Further, that Brueckheimer '261 discloses “Dynamic intermediate VC connection management refers to the process of dynamically altering the number of intermediate VCs between any two ALS subsystems according to changes in the community of interest between them”, refer to col. 9 lines 29-32.

Applicant argues that Brueckheimer '261 does not disclose, “establishing AAL2CIDs on a call by call basis using ATM standards-based call control signaling protocol”, as taught by claim1.

In response, it is stated that Brueckheimer '261 discloses, ““establishing AAL2CIDs , refer to col. 2 lines 36-60, on a call by call basis , refer to “carrying call connection” col. 6 line 6/8-10, using ATM standards-based , refer to col. 1 lines 53-55, col. 10 lines 19-22 and col. 12

Art Unit: 2666

lines 12-14, call control signaling protocol”, refer to col. 5 line 65-col. 6 line 10, as taught by claim1.

Applicant argues “In contrast, Brueckheimer ,261 does not describe any particular method associated with the implementation of connection control. Neither is such an act taught or suggested by Gibbs, although Gibbs describes how a

In response, it is stated that Gibbs discloses, “executing a call set –up process in the AAL2 signaling layer , comprising mapping the common CID to a virtual path/virtual channel (VP/VC) that forms part of a virtual user network interface (UNI) to an ATM network”, refer to office action above..

In light of above explanation, arguments by the applicant are not persuasive.

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).

Inder Pal Mehra

Inder Mehra

4/18/05

April 18, 2005

IPM
Inder Pal Mehra